



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,795	12/17/2001	Hiroshi Sakai	Q67694	4397

7590 09/09/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,795

Applicant(s)

SAKAI, HIROSHI

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 09/06/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

R N Barnie
REXFORD BARNIE
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 8, 9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Meredith et al. (US Pat# 6,052,605).

Regarding claims 1, 8, Meredith et al. teaches a continuous interference assessment and avoidance in a mobile radio system comprising a cell station which provides communication services for a personal station wherein the cell station system provides continuous monitoring of interfering waves or signals and producing interference monitor data and a maintenance terminal which produces an interference profile based on generated data in (see col. 2, col. 6 lines 43-63, col. 7 line 48-col. 9 line 26).

Regarding claim 2, Meredith teaches monitoring and gathering interference data via antenna(s).

Regarding claim 5, Meredith teaches display of interference profile or data in (see col. 9).

Art Unit: 2643

Regarding claims 9 and 15, see the explanation as set forth in the rejection of claim 1 because the claimed apparatus would perform the method steps. Furthermore, according to Meredeith, the source of interference can be deciphered to known what channels and/or antennas in (see col. 10)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 4, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith et al. (US Pat# 6,052,605) in view of Shimura (US pat# 4,837,801).

Art Unit: 2643

Regarding claims 3 and 11, Meredith teaches monitoring of signal strength in (see col. 8 lines 55-65) but fails to teach the claimed subject matter in detail as taught by Shimura who teaches a base station capable of monitoring of interference on every transmission in (see abstract and col. 10 lines 3-22) and measuring signal strength. Furthermore, Shimura teaches a time division multiplexing system in (see col. 4 lines 67-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Shimura into that of Meredith thus making it possible to take detect interference and take corrective measures when necessary to avoid loss of revenue.

Regarding claims 4 and 12, the examiner takes official notice that it's well known to control switching elements remotely from a user terminal to perform monitoring or testing after which it can be changed to a normal communication servicing mode. Furthermore, OAM or OAM&P systems are known to provide provisioning, operations, administrations/authorization and maintenance remotely to network elements based on transmitted signals.

Regarding claim 10, The subject matter is rendered obvious by the combination, which teaches being able to use antenna (s) to monitor interference data and would be based on complexity of network

Art Unit: 2643

Claims 6-7, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith et al. (US Pat# 6,052,605) in view of Iwata (US Pat# 5,845,209)

Regarding claims 6-7, 13 and 14, Meredith fails to teach the claimed subject matter but Iwata teaches a mobile communication system wherein interference can be monitored in a communication system where TDM and TDMA techniques can be used in (see col. 1 lines 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Iwata into that of Meredith thus making it possible to monitor interference in any communication system commercially available including TDMA system known for its capability of accommodating a plurality of users efficiently.

Regarding claim 10, The subject matter is rendered obvious by the combination, which teaches being able to use antenna (s) to monitor interference data and would be based on complexity of network

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone

Art Unit: 2643

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
09/07/04

RBarnie
REXFORD BARNIE
PRIMARY EXAMINER